

**ENVIRONMENTAL PROTECTION COMMISSION[567]**

**Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code section 455B.474(3)“d,” the Environmental Protection Commission proposes to amend Chapter 135, “Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks,” Iowa Administrative Code.

The rescission of paragraph 135.5(1)“e” and adoption of a new paragraph in lieu thereof changes from January 1, 2013, to January 1, 2014, the deadline for compliance with certain leak detection and notification requirements applicable to unstaffed facilities operating underground storage tank (UST) systems with pressurized piping. “Unstaffed facilities” are those facilities that do not have an operator present on site at all times that the UST system is operating and available to dispense fuel to a customer.

In addition to seeking comment on the above change in date, the Department seeks public comment on all aspects of the leak detection and notification methods and requirements found in paragraph 135.5(1)“e” with the intent of further amending this paragraph prior to January 1, 2014.

Consideration will be given to all written suggestions or comments on the proposed amendment received on or before February 6, 2013. Such written materials should be sent to Director Chuck Gipp, c/o Paul Nelson, Department of Natural Resources, Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319; fax (515)281-8895.

A public hearing will be held on February 7, 2013, at 1:30 p.m. in Conference Rooms 5E/5W at the Wallace State Office Building, Des Moines, Iowa, at which time persons may present their views.

This amendment was also Adopted and Filed Emergency and is published herein as **ARC 0559C**. The content of that submission is incorporated by reference.

After analysis and review of this rule making, a positive impact on jobs could exist. Because of the change in the compliance date for installing new leak detection equipment, owners of affected sites will be able to delay the cost of purchasing and installing new equipment until the Department has had additional time to study the effectiveness and potential use of alternative leak detection compliance methods. It is the intent of the Department to work with stakeholders to identify leak detection methods that are both cost-effective and environmentally protective in order to further amend the paragraph prior to the new January 1, 2014, deadline.

This amendment is intended to implement Iowa Code sections 455B.474 and 455B.474A.